

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE
DIVISION 7: POLICE REGULATIONS AND PUBLIC PROTECTION
Chapter 12: REGULATION OF EPHEDRINE PURCHASES.

Sections:

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27.121 Legislative Purpose.

(a) The Board of Supervisors of the County of San Bernardino finds that there is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sales of illicit narcotics and drugs are inherently dangerous and that chemicals, compounds, substances, byproducts and wastes which are associated with the manufacture of illicit narcotics and drugs are both dangerous and injurious to the health, welfare and safety of the citizens of the County of San Bernardino.

(b) The Board of Supervisors of the County of San Bernardino finds that there has been a dramatic increase of sales, reports of sales, thefts and possession of over-the-counter drugs which contain substances known as ephedrine, pseudoephedrine, hydrochloride, ephedrine hydrochloride, and pseudoephedrine sulfate, along with other substances and products associated with the manufacture of methamphetamine, and that retailers are regularly victimized by those persons who steal these substances, drugs and products on a regular basis.

(c) The Board of Supervisors of the County of San Bernardino finds that the general public does not normally purchase the described products in multiple quantities and it is not the Board of Supervisor's intent to restrain legitimate businesses or customers from selling or purchasing the described products.

(d) No provisions of this Chapter shall hinder or supersede any other applicable state or federal statute.

Adopted Ordinance 3700 (1997);

27.122 Definitions.

The following definitions apply to this Chapter.

(a) "Ephedrine" means any drug, substance or compound, whether legal or illegal that contains ephedrine hydrochloride, pseudoephedrine sulfate, pseudoephedrine hydrochloride, pseudoephedrine or ephedrine.

(b) "Retailer" means any single geographic location of any retail business, company, corporation, person, employee, or associate who furnishes, distributes, sells, or gives away products as described in this section.

(c) "Customer" means any person who purchases or acquires the products described in this section, or persons who are present for the purchase or acquisition of the products described in this section.

(d) "Sell" means to furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

(e) "Count" means the number of pills, tablets, capsules or individual units of a substance contained within an individual package, box or container.

Adopted Ordinance 3700 (1997);

27.123 Limitation on Sales

(a) No retailer shall sell to a single customer more than three packages, per transaction, of a product containing ephedrine. No retailer shall sell to a single customer, per transaction, products containing ephedrine where the total counts exceeds 100.

(b) No customer shall acquire more than three packages, per day, of a product containing ephedrine. No customer shall acquire, per day, products containing ephedrine where the total count exceeds 100.

Adopted Ordinance 3700 (1997);

27.124 Penalties.

Any person, customer, or retailer violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance 3700 (1997);

Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this

ordinance. The Board of Supervisors declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

Adopted Ordinance 3700 (1997);